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ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5048

AN ORDINANCE regarding the application of Quadrant Corporation for approval of the plat of Cougar Ridge West; denying the appeal of the Hearing Examiner's approval, with conditions, of the application; adopting the findings and conclusions of the Hearing Examiner; and approving the application, with conditions.

WHEREAS, the applicant, Quadrant Corporation, applied for approval of a preliminary plat on a 22.4 acre site located at 16255 SE Cougar Mountain Way, which would provide for 59 single-family lots, ten open space tracts, six access tracts and one detention pond tract; and

WHEREAS, on September 11 and 12, 1997, a public hearing was held by the Hearing Examiner on the application, pursuant to notice required by law; and

WHEREAS, on October 15, 1997, the Hearing Examiner issued a decision entering findings of fact and conclusions derived therefrom, and approving the preliminary plat, subject to conditions; and

WHEREAS, on October 28, 1997, an appeal of the Hearing Examiner decision was filed by Joan and Robert Grune.

WHEREAS, on January 5, 1998, the City Council conducted a limited public hearing on the appeal, pursuant to notice required by law; and

WHEREAS, the City Council concurs in the findings and conclusions of the Hearing Examiner; and

WHEREAS, the City has complied with the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds that the Appellants have not carried their burden of proof on the appeal and further finds that the decision of the Hearing Examiner is supported by the preponderance of the evidence. The appeal is therefore denied.

Section 2. In support of the decision herein on the appeal and the decision herein approving the application, the City Council adopts the findings and conclusions of the Hearing Examiner as set forth in "Findings, Conclusions and Decision of the Hearing

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Examiner for the City of Bellevue, In the Matter of the Application of Cougar Ridge West to Subdivide a 22.4 Acre Site Into 59 Lots, "File No. PP 96-6860."

Section 3. The City Council approves with conditions the preliminary plat to be located at 16255 SE Cougar Mountain Way, and more particularly described as:

Parcel 1:

That portion of the Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 26, Township 24 North, Range 5 East W.M., Lying South of the Nels Berglund County Road No. 2, Survey No. 2383 (S.E. Cougar Mountain Way);

Except all Coal and Minerals and the right to explore for and mine the same, as reserved by Pacific Coast Coal & Oil Co. recorded under King County Recording No. 4579092;

Situate in the City of Bellevue, County of King, State of Washington.

Parcel 2:

Parcel A:

The Northwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 26, Township 24 North, Range 5 East W.M.;

Except Coal and Mineral Rights as disclosed by King County Tax Rolls;

Situate in the City of Bellevue, County of King, State of Washington.

Parcel B:

The Southeast 1/4 of the Northeast 1/4 of Section 26, Township 24 North, Range 5 East W.M.;

Except the West 1/2 of the Northeast 1/4 thereof;

And except that portion thereof lying southerly of a line described as:

Beginning at the Northwest corner of said subdivision; thence Southerly along the West line thereof 295.00 feet; thence south 71 degrees 16 minutes 00 seconds east 1635.00 feet;

Thence south 68 degrees 45 minutes 31 seconds east 1141.59 feet to a point on the East line of the Southwest 1/4 of the Northwest 1/4 of Section 25 in said

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Township, at a point lying Southerly 1110.95 feet from the Northeast corner thereof, and the terminus of said line;

And except all coal and minerals;

Situate in the City of Bellevue, County of King, State of Washington.

Parcel 3:

The Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 26, Township 24 North, Range 5 East W.M.;

Except Coal and Mineral Rights as disclosed by King County Tax Rolls;

Situate in the City of Bellevue, County of King, State of Washington.

provided that approval is conditioned on full compliance by the owner or owners of the property described herein, developer or developers, and their heirs, assigns, grantees, and successors in interest with the following conditions:

A. The following conditions must be complied with prior to issuance of a clear and grade permit for plat engineering:

1. Revised Lot Design

The subdivision shall be designed such that no portion of the primary wetland setback is included in the lot area for lots in the location of lots 28 through 33 of the preliminary plat. (LUC 20.25H.070.B.2)

2. Neo-Traditional Design Elements

a. Shared Access to Lots

Lots 1 and 2, 3 and 4, 5 and 6, and two of 52, 53, 54 shall be accessed by shared driveway easements and shall be designed to limit exposure of the garage doors.

b. Stream Crossing Design

The existing stream crossing shall be removed, regraded and stabilized. All new stream and wetland crossings shall be bridges or box culvert design with a width capable of providing dry bank area on both sides of the area to be bridged. If an alternate method is proposed, an analysis is required demonstrating that the above designs are not feasible. To emulate traditional residential

development, the proposed planting strips at the stream crossings shall be eliminated and pedestrian-scale street lights and balustrades provided on both sides, and architectural monuments provided at both ends of the stream crossings.

c. Street Lighting

To mitigate the project's impact on the visual character of the Cougar Mountain area, the street lighting design should evoke a non-industrial appearance. A pole and fixture design meeting this objective must be submitted and approved prior to first clear and grade permit approval.

(Ord. 4424)

3. Saved Trees Required

The large evergreen tree at the east property perimeter located in lot 46 shall be saved through utility construction with full protection, consisting of 6-foot chain link fencing or approved equal surrounding the drip line area within the property. (LUC 20.20.520.E)

4. Utility Visual Impacts

To mitigate the visual impacts of the routing of utilities along the western site boundary, the applicant shall revise the proposed plans to minimize site perimeter disturbed by utilities. (SEPA; Comp. Plan Policy LU-25)

5. Vegetation Management Plan

To mitigate impacts to areas of native vegetation left for riparian corridors, wetlands or other areas from potential hazard windthrow, loss of support, or disease conditions, a vegetation management plan shall be provided to assess hazard trees and supplement existing vegetation where trees are absent or native evergreens are not present and are needed. A qualified arborist shall review the areas and prepare the management plan. Proposed plants for supplemental planting within those areas shall be indigenous, supportive of wildlife habitat, and have minimal need for fertilizers, herbicides or other chemical controls. The recommendation for removal of any hazardous trees from the stream corridor shall be in accordance with Parks Resource Management Division criteria. The vegetation management plan shall be reviewed and approved as part of Plat Engineering approval. (LUC 20.25H.110)

6. Riparian Corridor Restoration

To mitigate construction impacts to the riparian corridor, the applicant shall minimize intrusions into the corridor, particularly along those sections where a setback modification or corridor alteration has been approved. In riparian corridor areas impacted by construction activities, a restoration plan that establishes pre-development grades, provides short-term and long-term erosion control, and provides indigenous trees, shrubs and groundcover in quantities sufficient to achieve 100% coverage within two growing seasons shall be submitted to the City for review and approval. (LUC 20.25H.110.C)

7. Wildlife Corridors

To mitigate impacts to the wildlife population, the applicant shall provide dry bank areas on both sides of stream crossings and provide riparian habitat areas sufficient to provide cover for animals using the riparian corridor areas. Native habitat at least 100-feet wide is sufficient to provide such cover. A narrower corridor will be acceptable if it is heavily vegetated. Where the existing corridor vegetation is sparse or deficient, the applicant shall supplement the indigenous trees, shrubs and groundcover to ensure that the wildlife corridor provides adequate cover to remain viable. Such supplemental planting shall be part of the vegetation management plan recommendations. (LUC 20.25H.110.C)

8. Replacement Wetland Design

The Type B wetland displaced by frontage improvements to Cougar Mountain Way shall be replaced at a ratio of 1.5:1. The applicant shall provide a plan for wetland replacement adjacent to the same wetland that has been prepared by a certified wetland biologist which includes the following elements: 1) the proposed location, design, materials and method of installation for replacement wetland which meet requirements of LUC 20.25H.110.B.7; and 2) a detailed cost estimate for the work. After City review and approval of the estimate and plan, the applicant shall install the replacement wetland area prior to final plat approval. (LUC 20.25H.110.B.7)

9. Wetland Replacement Monitoring and Security

Following installation of the replacement wetland and buffer, the developer shall submit a maintenance assurance device equal to 150% of the cost of the work plus 100% of an estimate for monitoring as outlined herein. This device shall be valid for a period of at least three years or three growing seasons, whichever is greater. At the time of recording of the final plat, the

owner of the replacement wetland tract shall be entitled to draw upon the account as approved by the City. The owner of the replacement tract shall contract with a qualified wetland biologist to inspect the tract twice annually, prior to and near the end of the growing season. The biologist shall provide a written assessment of the establishment of the wetland vegetation and the functioning of the replacement wetland area at each inspection. Copies of the written assessment shall be provided to the owner of the tract and the City. At the direction of the biologist, the owner of the tract shall replace any material, or implement additional restoration measures as necessary to equal the functions of the wetland displaced. After one year from installation or installation of additional measures, the biologist may determine the replacement wetland is functioning as planned, and if the wetland vegetation is becoming established per the plan, then the balance of the assurance device will be released to the owner of the tract. (LUC 20.25H.110.B.7)

10. Sensitive Area Protection

To mitigate construction impacts to the riparian corridor, wetland, and steep slope areas during construction of infrastructure, the applicant shall install a 6-foot chain link fence, or City approved equal, along the any riparian corridor, wetland or steep slope primary setback where construction will occur adjacent to the primary setback, and around isolated trees to be saved. Orange mesh fencing or approved alternate may be used to define clearing limits in other areas. The location and detail of the fence shall be clearly shown on the clearing and grading plat engineering permit plans and shall be field inspected and approved by the City clearing and grading inspector prior to commencement of site clearing and grading activities. A silt fence shall be attached to the disturbance side of the fencing. Erosion and sedimentation impacts from the proposed development can be mitigated by requiring all site work to comply with the Clearing and Grading Code, Clearing and Grading Development Standards, the Storm Water Management Manual for the Puget Sound Basin, and by restricting all clearing and grading activities to the dry season, May 1st through October 31st. All site work must be completed by October 15th unless approved in writing by the Department of Community Development. (CG 23.70.093; LUC 20.25H.110.D)

11. Stormwater Developer Extension Agreement Required

To mitigate adverse impacts to surface waters, including water quality and stream bank erosion, storm water detention and water quality facilities shall be provided through a Storm Drainage Developer Extension Agreement. These facilities shall be designed per the City's Utility Codes and the Engineering Standards. (BCC 24.06.130A2)

12. Conceptual Approval Only

Utilities Department approval of the Preliminary Plat is based on a conceptual utility design, and does not imply an approval of the utility systems shown. All engineering plan review will be done under Developer Extension Agreements. (BCC 24.06.120C)

13. Recreation Facilities

All park facilities for public use or access, such as trails, stairs, sports courts and play areas shall be built to Parks Department Standards. Detailed site design, grading and construction drawings for all park facilities and associated cost estimates shall be submitted for review and approval by the City.

- a. Facilities such as sport courts and play areas shall be accessible to the disabled.
- b. Areas designated for active recreation shall allow access for all residents the facility is serving.
- c. The applicant shall be responsible for the maintenance of on-site recreation facilities that are to stay in private ownership. The applicant shall be responsible for the first year of maintenance of the on-site trails and/or recreation facilities that are to be dedicated to the City.

(SEPA; Comp. Plan Policy S-NC-55)

14. Trail Connections

To provide access to regional hiking trails and SE Cougar Mountain Way, a trail through open space tract K shall be provided, and a trail connecting tract K with 166th Avenue SE shall be provided in a temporary, relocatable easement. Trails shall be field located and flagged, inspected and approved by the Parks Department representative prior to development. The developer shall construct trails and install appropriate signs on the public trails to City of Bellevue Standards current at the time of development. Stairs constructed to Parks Department standards shall be provided where grades exceed 10 to 15% along the trail. (SEPA; Comp. Plan Policy S-NC-53)

15. Cougar Mountain Way Street Frontage Improvements

Since the applicant's property is adjacent to a public street, the developer is responsible for street frontage improvements along Cougar Mountain Way. The applicant will be required to design the street frontage in conformance with recommendations identified in the City's ongoing planning study for Cougar Mountain Way. Street frontage improvements will likely include: street widening, street lighting, a meandering 5-foot wide concrete sidewalk, 5-foot bicycle lanes, street trees, undergrounding of utility lines, vertical curb and gutter, storm drainage facilities, and roadway channelization. Final street frontage requirements will be designated during the plat engineering/clear and grade permit review process substantially as shown in Exhibit Q-13. (BCC 14.60.110, 14.60.240; Development Standards; LUC 20.45A.050)

16. Right of Way Dedication

The applicant shall dedicate 50 feet of right-of-way for the public internal plat roadways serving 40 or more units and 45-feet of right-of-way for roadways serving 9 to 39 units. (BCC 14.60.021; Development Standards)

17. Internal Plat Roadway

The public plat roadway shall include: roadway pavement (per development manual standards), vertical curb and gutter, mailboxes, survey monuments, storm drainage, street lighting, and 5-foot wide concrete sidewalks on both sides of any public street. A public street lighting plan should be prepared by Puget Power and approved by the City. Cul-de-sac streets shall be a minimum 96 feet in diameter and contain a landscaped island. The private internal plat roadway must be built to public street standards with the following exceptions: street lights and right-of-way are not required, and sidewalk is required only on one side of the street. (Development Standards; BCC 14.60.021; LUC 20.45A.050)

18. Right of Way Use Permit

The applicant shall secure a right-of-way use permit for work in the right of way from the City of Bellevue Transportation Department prior to engineering plan approval, issuance of clearing and grading permits, building permits, foundation permits or demolition permits, which includes:

- a. Designated truck hauling routes.
- b. Truck loading and unloading activities.
- c. Location of construction fences.
- d. Maintenance requirements for pedestrian access.

- e. Provisions for mechanical street sweeping during excavation and construction.
- f. Construction signing and pedestrian detour routing.
- g. Hour of construction and hauling.
- h. All other construction activities as they affect the public street system.
(BCC 11.70)

19. Minimum Protection of Existing Well

No access tract or sewer facility designed for the plat infrastructure shall be within 50 feet of the well located off-site on adjacent property to the east of the site.
(WAC 173-160-205)

20. Affordable Housing - Selection of Alternative

The applicant shall indicate in writing how the four affordable housing units will be provided. If the applicant wishes to keep a duplex option open for meeting the requirement, the duplex lots shall be designated on the engineering plans, reviewed and approved prior to development. (Ord. 4937)

21. Vegetative Buffer/Fencing (Lots 24-28)

A vegetative buffer and fencing shall be designed along the back of Lots 24-28, to be approved by the City, with appropriate recordation and installation to follow.

B. The following conditions must be complied with prior to scheduling approval of a Final Plat:

1. Neo-Traditional Design Requirements

A note shall be placed on the final plat which contains the following requirement:

Lots 1 and 2, 3 and 4, 5 and 6, and two of 52, 53, 54 shall have shared access easements and driveways. Houses designed for these lots shall locate garage access doors perpendicular to the street.

(Ord. 4424)

2. Limitation on Fencing

Fencing shall be limited to private residential lots. Fencing is prohibited on the non-building tracts except as required by City Ordinance for safety purposes.

(SEPA; Comp. Plan Policy 2-NC-35)

3. Recreation Facilities/Funds for Facilities

To mitigate the project's impact on recreation demand, the applicant shall provide land and developed recreation facilities; funds for acquisition of land and development of facilities; or any combination of land or funds. The project's fair share of park development costs is based upon the projected number of future residents, excluding occupants of affordable units. According to Parks Department calculations, the total cost to the applicant for mitigating park and recreation impacts of the proposed project (59 market-rate units) is \$116,607 (land and development costs). If the number of market-rate units is revised, then the cost of mitigation would need to be adjusted accordingly. The value of the active recreation land and improvements is credited to the project's fair share of park mitigation costs separately for land or recreation facilities which may be provided. (SEPA; Comp. Plan Policies PA-1, PA-4, PA-9, PA-10, PA-18; LU-6; and S-NC-55)

4. Dedication of Trail Easements

All trails shall be surveyed and monumented (capped rebar). Trail easements shall be provided with a minimum width of 15 feet unless located within a tract dedicated to the City. Off-site easements shall be 15 feet wide, but may contain a provision for relocation at the option of the property owner. (SEPA; Comp. Plan Policy S-NC-53)

5. Native Growth Protection Areas (NGPAs)

NGPAs shall be designated encompassing the Type A and B stream corridors and the Type A and B wetlands, including the required primary setbacks. Appropriate notice of the presence of such NGPAs shall be recorded on the lots so that when conveyed, home buyers will be aware of them. *Appropriate markers shall be placed on-site.* (LUC 20.25H.070 and .120)

6. NGPA Ownership and Management

The Native Growth Protection Areas shall be dedicated to a public agency if the public agency will accept dedication. If the NGPA will remain as private ownership, it shall be held as common ownership among the property owners of the plat and a management plan shall be submitted and approved as part of the Plat Engineering and a Homeowner's Association shall be incorporated prior to Final Plat approval. (LUC 20.25H.110)

7. Retained Vegetation Area on Lot

The significant tree on lot 46 shall be placed within Retained Vegetation Area such that the tree and dripline area is retained. (LUC 20.20.520)

8. Off-Street Parking

The developer or contractor shall secure sufficient off-street parking for construction workers prior to the issuance of a clearing and grading, building, foundation, or demolition permit. (BCC 14.30)

9. Traffic Impact Fee

Pursuant to Bellevue City Code 22.16 payment of a traffic impact fee is required for the proposed development. The applicants for each building permit will be required to pay the fee in effect at the time of building permit issuance. (BCC 22.16)

10. School Impact Fee

Pursuant to Bellevue City Code 22.18.050 , payment of ½ the school facility impact fee for each lot is required prior to approval of the final plat. (BCC 22.18.050)

11. Affordable Housing


The developer shall execute an agreement with the City for affordable housing on lots selected for such purpose, or pay a fee in lieu of provision of such units as set forth in Ordinance 4937. The developer shall contact the City's Housing Planner well in advance of the anticipated recording date for the Final Plat for computation of the fee, or execution of an agreement. (Ord. 4937)

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Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

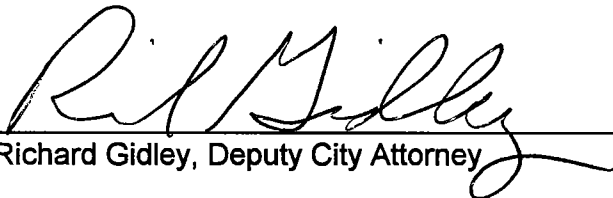
PASSED by the City Council this 20th day of January, 1998, and signed in authentication of its passage this 20th day of January, 1998.

(SEAL)


Mike Creighton, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard Gidley, Deputy City Attorney

Attest:


Myrna L. Basich, City Clerk

Published January 23, 1998